IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 13285 of 2007(F)

OS.87/2007 of PRL.SUB COURT,IRINJALAKUDA
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PETITIONER:
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1. C.R.LAKSHMANAN, S/O.CHAKKUNGATHODIYIL RAMAN, SABARI, P.O.POONKUNNAM,THIRSSUR.

2. C.R.NARAYANA DAS, S/O.CHAKKUNGATHODIYIL ARAMANA P.O.,PALAZHI,PUTHUKKAD.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. AMAR, S/O.CHAKUNGATHODIYIL DILKUMAR, THORAVU VILLAGE & DESOM, MUKUNDAPURAM TALUK.

2. C.V.DEEPA, S/O.C.G.NARAYANAN, CHAKUNGATHODIYIL HOUSE,THORAVU VILLAGE & DESOM, MUKUNDAPURAM TALUK.

3. SUBASHINI BAI, W/O.C.G.NARAYANAN, CHAKUNGATHODIYIL HOUSE,THORAVU VILLAGE & DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.T.G.RAJENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF DEED OF PARTNERSHIP DTD.17.7.00.**

EXT.P2 **TRUE COPY OF NOTICE DT.13.6.06 RECEIVED BY THE PETITIONER FROM SMT. C.G. CHANDRAMATHY AND LOKANATHAN.**

EXT.P3 **TRUE COPY OF REPLY NOTICE DTD.18.7.06 SENT BY THE LAWYER OF THE PETITIONERS.**

EXT.P4 **TRUE COPY OF JUDGMENT DTD.17.8.06 IN OS 332/06 OF SUB COURT, IRINJALAKUDA.**

EXT.P5 **TRUE COPY JUDGMENT OF THE PRINCIPAL JUDGE, DTD.30.9.06 IN OS 415/06.**

EXT.P6 **TRUE COPY OF MINUTES OF THE METTING DTD.28/12/06.**

EXT.P7 **TRUE COPY OF MINUTES OF THE ABOVE SAID MEETING, DTD.5/2/07.**

EXT.P8 **CERTIFICATE OF PLAINT IN THE ABOVE SUIT O.S.87/07.**

EXT.P9 **TRUE COPY OF I.A.576/07 IN OS 87/07.**

EXT.P10 **TRUE COPY OF COMMISSION REPORT DTD.28.2.07 IN OS 87/07.**

EXT.P11 **TRUE COPY OF OBJECTION TO IA 576/07 FILED BY THE PETITIONERS.**

EXT.P12 **TRUE COPY OF SETTLEMENT DTD.17.3.07.**

EXT.P13 **TRUE COPY OF ORDER DTD.3.4.07 OF THE PRINCIPAL SUB COURT, IRINJALAKUDA IN IA 576/07 IN OS 87/07.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 13285 OF 2007

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Dated this the 16th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P13 order passed by the learned Subordinate Judge, Irinjalakuda. The interim injunction application was advanced and a temporary injunction was issued from dismantling the tile factory in question or removing movables from therein till 31.5.07. The learned counsel for the writ petitioner would submit that his client was not heard before passing such an order. Whatever it may be, since it is an application filed under Order 39 Rule 1 of CPC there is a statutory mandate to dispose it of within 30 days and if not to record reasons for not doing so. If the matter is not already disposed of I direct the learned Subordinate Judge, Irinjalakuda to dispose it of within three weeks from today. If it is already disposed of, then the writ petitioner can pursue the remedy available under Order 43 of Code of Civil Procedure.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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